

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

FABIAN ARKLISS, for himself and all )  
others similarly situated, )

Plaintiffs, )

v. )

NISSAN EXTENDED SERVICES )  
NORTH AMERICA, INC.; DIFEO )  
NISSAN PARTNERSHIP d/b/a )  
HUDSON NISSAN )

Defendants. )

**No. 18-cv-05681-WHW-CLW**

Return Date: June 18, 2018  
Oral Argument Not Requested

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**DEFENDANT NISSAN EXTENDED SERVICES NORTH AMERICA,  
INC.'S MOTION TO DISMISS**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Nissan Extended Services North America, Inc. ("NESNA") respectfully moves this Court to dismiss the Complaint filed in this action (Doc. 1-2), for all of the reasons set forth in NESNA's accompanying Memorandum of Law, and for all of the reasons set forth in Defendant Hudson Nissan's separately filed motion to dismiss (Dkt. No. 8) and accompanying memorandum. As detailed therein, Plaintiff has failed to satisfy the statutory conditions precedent for bringing a civil lawsuit under the Magnusson-Moss Warranty Act. Accordingly, the action should be dismissed for failure to state a claim upon which relief may be granted.

Dated: May 14, 2018

Respectfully submitted,

/s/ Jeremy H. Ershow

Jeremy H. Ershow

New Jersey Bar No. 063942013

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*(application for pro hac vice pending)*

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North America, Inc.*

**CERTIFICATE OF SERVICE**

I, Jeremy Ershow, an attorney, certify that on this 14th day of May, 2018, a copy of the foregoing *Defendant Nissan Extended Services North America, Inc.’s Motion to Dismiss* was served via ECF to all counsel of record.

/s/ Jeremy Ershow

*Attorney for Nissan North America  
Extended Services, Inc.*